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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL BLAKE DeFRANCE,

Defendant.

CR 21-29-M-DLC

**DEFENDANT DeFRANCE'S
UNOPPOSED MOTION TO
CONTINUE TRIAL AND TRIAL
BRIEF DEADLINE AND SET
SCHEDULING CONFERENCE**

BACKGROUND

This is a firearms case brought under 18 USC §922(g)(9) involving possession of guns and ammunition subsequent to a conviction for a misdemeanor crime of domestic violence as defined in 18 USC §922(a)(33)(A). The Court ruled on all pending pretrial motions on April 15, 2022. A bench trial is scheduled currently for June 6, 2022.

Presently, this Court is scheduled to preside over this trial and a jury trial in *United States v. Tara Ann Gallagher*, CR 21-43-M-DLC, on June 6, 2022. The undersigned represents Mr. DeFrance and Ms. Gallagher. The undersigned has consulted with AUSA Jennifer Clark, the prosecutor in this case, and AUSA Paulette Stewart, the prosecutor in *United States v. Gallagher*, as well as Mr. DeFrance and Ms. Gallagher. The parties agree that Ms. Gallagher's trial is best positioned to go forward on June 6, 2022. The parties further agree that a scheduling conference to discuss a new trial setting is warranted. WHEREFORE,

MOTION TO CONTINUE

The defense respectfully requests that the June 6, 2022, trial date be continued to accommodate the jury trial of Ms. Gallagher, as stated above. A break between the two trials for organizational purposes would also be warranted. Mr. DeFrance has additional investigative avenues that need to be pursued. Relatedly, the defense requests that the Court also vacate and reset the trial brief deadline set for May 31, 2022. Previously identified evidentiary matters require complex, detailed explanation.

In this connection the undersigned advises that Mr. DeFrance has been advised this request for continuance would be filed and further that same would impact both his constitutional and statutory rights to a speedy trial. A non-

authoritative calculation of the Speedy Trial clock suggests that 52 days will have passed for Speedy Trial Act purposes as of June 6, 2022.

Mr. DeFrance is presently released and in compliance with his conditions of release. Mr. DeFrance advises that he understands his speedy trial rights, but desires to waive them through the anticipated, rescheduled trial date in the interest of better pretrial preparation.

CONTACT WITH OPPOSING COUNSEL

Government counsel, Jennifer L. Clark, does not oppose this motion on behalf of the United States.

CONCLUSION

Accordingly, the defense prays the Court will continue the trial and the trial brief deadlines and set a scheduling conference to discuss a new trial date. This motion is supported by Mr. DeFrance's brief, which has been filed herewith (ECF No. 41).

RESPECTFULLY SUBMITTED this 27th day of May, 2022.

/s/ Michael Donahoe _____
MICHAEL DONAHOE
Deputy Federal Defender
Counsel for Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on May 27, 2022, a copy of the foregoing document was served on the following persons by the following means:

1 CM-ECF

2 Mail

1. CLERK, UNITED STATES DISTRICT COURT

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/s/ Michael Donahoe
FEDERAL DEFENDERS OF MONTANA